

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

SHOSHANA HEBSHI,	)	
	)	
Plaintiff,	)	Hon. Terrence G. Berg
	)	Magistrate Judge Laurie J. Michelson
v.	)	
	)	Case No. 4:13-cv-10253
UNITED STATES OF AMERICA,	)	
et al.,	)	
	)	
Defendants.	)	
_____	)	

**ANSWER OF DEFENDANT DAVID LAKATOS**

On March 31, 2014, the Court denied Defendant David Lakatos' Partial Motion to Dismiss Plaintiff's Complaint. ECF No. 111. Defendant David Lakatos, as sued in his individual capacity, by and through the undersigned attorneys, therefore hereby responds to Plaintiff's Complaint as follows:

1. Admits the first sentence. Denies the second sentence. Lacks knowledge and information sufficient to form a belief about the truth of the third sentence.

2. Admits that Plaintiff is a United States citizen, lacks knowledge and information sufficient to form a belief about her place of birth and denies the remainder of the first sentence. Lacks knowledge and information sufficient to form a belief about the truth of the second sentence.

3. Lacks knowledge and information sufficient to form a belief about the truth of this paragraph.

4. Denies the first sentence. Lacks knowledge and information sufficient to form a belief about the truth of the second sentence.

5. Lacks knowledge or information sufficient to form a belief about the truth of this paragraph.

6. This paragraph contains Plaintiff's description of her claims and consists of legal conclusions, to which no response is required. To the extent an answer is required, lacks knowledge or information sufficient to form a belief about the truth of this paragraph.

7. This paragraph contains Plaintiff's description of her claims and consists of legal conclusions, to which no response is required. To the extent an answer is required, denies.

8. This paragraph contains Plaintiff's description of her claims and consists of legal conclusions, to which no response is required. To the extent an answer is required, denies.

9. This paragraph contains Plaintiff's description of her claims and consists of legal conclusions, to which no response is required. To the extent an answer is required, admits the first sentence identifies the statutes, case law and amendments under which Plaintiff files suit, but otherwise denies. To the extent an answer is

required to the second sentence, admits that this Court has jurisdiction over Plaintiff's claims against federal officials pursuant to 28 U.S.C. § 1331, and her claims against state officials under 28 U.S.C. § 1343, but otherwise denies the second sentence.

10. Lacks knowledge and information sufficient to form a belief about the truth of the allegations in this paragraph.

11. This paragraph consists of legal conclusions, to which no response is required. To the extent an answer is required to the first sentence, admits. To the extent an answer is required to the second sentence, admits that a substantial part of the events of which Plaintiff complains occurred in and around the Detroit Metropolitan Wayne County Airport within the Eastern District of Michigan, but denies the remainder of the second sentence.

12. Admits that Plaintiff is a U.S. citizen, but lacks knowledge or information sufficient to form a belief about the remainder of the first sentence. Lacks knowledge or information sufficient to form a belief about the second, third and fourth sentences. The fifth sentence contains a legal conclusion to which no response is required. To the extent a response is required, denies.

13. This paragraph consists of a legal conclusion, to which no response is required. To the extent an answer is required, admits that FTCA claims can only be brought against the United States, but otherwise denies.

14. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

15. Lacks knowledge or information sufficient to form a belief about the allegations in the first sentence. The second sentence consists of legal conclusions to which no response is required. To the extent a response is required, denies the second sentence. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

16. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of legal conclusions to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the third sentence. The fourth sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the fourth sentence.

17. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of legal conclusions to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the third sentence. The fourth sentence consists of Plaintiff's description of her

claims to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the fourth sentence.

18. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of legal conclusions to which no response is required. To the extent a response is required, denies the third sentence. The fourth sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

19. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

20. Lacks knowledge or information sufficient to form a belief about the allegations in the first, second and third sentences. The fourth sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

21. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of

Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

22. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

23. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

24. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

25. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

26. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of

Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

27. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

28. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of legal conclusions to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the third sentence. The fourth sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the fourth sentence.

29. Admits the first sentence. The second sentence consists of legal conclusions to which no response is required. To the extent a response is required, denies the second sentence. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

30. Admits the first sentence. The second sentence consists of legal conclusions to which no response is required. To the extent a response is required, denies the second sentence. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

31. Admits the first sentence. The second sentence consists of legal conclusions to which no response is required. To the extent a response is required, denies the second sentence. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

32. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of legal conclusions to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the third sentence. The fourth sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the fourth sentence.

33. Lacks knowledge or information sufficient to form a belief about the allegations in the first sentence. The second sentence consists of legal conclusions



to which no response is required. To the extent a response is required, denies the second sentence. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

34. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of legal conclusions to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the third sentence. The fourth sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the fourth sentence.

35. Lacks knowledge or information sufficient to form a belief about the allegations in the first and second sentences. The third sentence consists of legal conclusions to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the third sentence. The fourth sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the fourth sentence.

36. Lacks knowledge or information sufficient to form a belief about the allegations in the first sentence. The second sentence consists of legal conclusions to which no response is required. To the extent a response is required, denies the second sentence. The third sentence consists of Plaintiff's description of her claims to which no response is required. To the extent a response is required, admits.

37. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

38. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

39. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

40. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

41. Admits Plaintiff was a passenger on Frontier Airlines Flight 623 to Detroit on September 11, 2011, but otherwise lacks knowledge or information sufficient to form a belief about the remaining allegations in this paragraph.

42. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

43. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

44. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

45. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

46. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

47. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

48. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

49. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

50. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

51. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

52. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

53. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

54. Admits that Defendant and other federal employees met the airplane at a location other than the scheduled arrival gate, but denies that took place at approximately 3:00pm. Otherwise, lacks knowledge or information sufficient to form a belief about the remaining allegations in this paragraph.

55. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

56. This paragraph consists of legal conclusions, to which no response is required. To the extent an answer is required, denies.

57. Denies.

58. Denies.

59. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

60. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

61. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

62. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is required, denies.

63. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

64. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

65. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

66. Admits that mobile stairs were brought to the aircraft at a location other than the scheduled arrival gate.

67. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

68. Admits that at approximately 4:25pm, ICE Special Agent Brumley boarded the plane, but denies he ran down the aisle where the suspects were reported to be seated. Lacks knowledge or information sufficient to form a belief about the remaining allegations in this paragraph.

69. Admits that at least one officer instructed the passengers to keep their heads down and put their hands on the seat in front of them, but otherwise denies.

70. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

71. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

72. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

73. Denies.

74. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

75. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

76. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

77. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

78. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

79. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

80. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

81. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

82. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

83. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

84. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

85. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

86. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

87. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

88. Lacks knowledge or information sufficient to form a belief about the allegations in the first sentence. The second sentence consists of legal conclusions, to which no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in the second sentence.

89. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

90. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

91. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

92. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

93. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

94. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

95. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

96. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

97. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

98. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

99. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.



100. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

101. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

102. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

103. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

104. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

105. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

106. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

107. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

108. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

109. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, denies Plaintiff was arrested and

singled-out because of her ethnicity, race or national origin, and lacks knowledge or information sufficient to form a belief about the remaining allegations in this paragraph.

110. Incorporates by reference Defendant's responses to the paragraphs 1 through 109 as if fully set forth herein.

111. This paragraph consists of legal conclusions to which no response is required.

112. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

113. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

114. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

115. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is

required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

116. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

117. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

118. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

119. Incorporates by reference Defendant's responses to paragraphs 1 through 118 as if fully set forth herein.

120. This paragraph consists of legal conclusions to which no response is required.

121. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is

required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

122. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

123. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

124. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

125. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

126. Incorporates by reference Defendant's responses to paragraphs 1 through 125 as if fully set forth herein.

127. This paragraph consists of legal conclusions to which no response is required.

128. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

129. Lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

130. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

131. This paragraph consists of legal conclusions directed towards a party other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

132. Incorporates by reference Defendant's responses to paragraphs 1 through 131 as if fully set forth herein.

133. This paragraph consists of legal conclusions to which no response is required.

134. Denies.

135. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, admits that Defendant was acting within the scope of his federal employment at all times relevant to the Complaint, denies he arrested or detained Plaintiff and lacks knowledge or information sufficient to form a belief about the remaining allegations in this paragraph.

136. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, denies.

137. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, denies.

138. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, denies.

139. Incorporates by reference Defendant's responses to paragraphs 1 through 138 as if fully set forth herein.

140. This paragraph consists of legal conclusions to which no response is required.

141. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, denies.

142. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, admits that Defendant was acting within the scope of his federal employment at all times relevant to the Complaint,

denies he arrested or detained Plaintiff and lacks knowledge or information sufficient to form a belief about the remaining allegations in this paragraph.

143. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, denies.

144. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, denies.

145. This paragraph consists of legal conclusions, thus no response is required. To the extent a response is required, denies.

146. Incorporates by reference Defendant's responses to paragraphs 1 through 145 as if fully set forth herein.

147. This paragraph consists of legal conclusions to which no response is required.

148. This paragraph consists of legal conclusions directed towards parties other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

149. This paragraph consists of legal conclusions directed towards parties other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

150. This paragraph consists of legal conclusions directed towards parties other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

151. This paragraph consists of legal conclusions directed towards parties other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

152. This paragraph consists of legal conclusions directed towards parties other than Defendant, thus no response is required. To the extent a response is required, lacks knowledge or information sufficient to form a belief about the allegations in this paragraph.

153. Incorporates by reference Defendant's responses to paragraphs 1 through 152 as if fully set forth herein. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, admits that the defendants named in this paragraph were acting within the scope of their federal employment at all times relevant to the Complaint, but denies the remaining allegations in this paragraph.

154. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, denies.



155. This paragraph consists of legal conclusions to which no response is required. To the extent a response is required, denies.

The remainder of the Complaint consists of Plaintiff's request for relief, to which no response is required. To the extent a response is required, denies the remaining allegations in the Complaint, denies that Plaintiff is entitled to the relief sought therein and denies that any relief is due.

Defendant denies all allegations in the foregoing paragraphs of Plaintiff's Complaint that are not expressly admitted.

WHEREFORE, Defendant respectfully requests that this Court dismiss Plaintiff's claims against him.

### **AFFIRMATIVE DEFENSES**

Defendant further responds to Plaintiff's Complaint by asserting the following affirmative and other defenses:

#### **FIRST DEFENSE**

To the extent that Plaintiff was injured, Defendant was not the actual cause of those injuries.

#### **SECOND DEFENSE**

Any injury, damage or loss to Plaintiff was not proximately caused by any unconstitutional or otherwise improper act or omission on the part of Defendant. Any injury, damage or loss was caused by actions or omissions of others.

**THIRD DEFENSE**

The complaint fails to state a claim upon which relief may be granted.

**FOURTH DEFENSE**

Defendant is not liable to Plaintiff because he did not detain or arrest Plaintiff, unlawfully discriminate against her, or take any action because of her perceived ethnicity, race or national origin based on her name or appearance.

**FIFTH DEFENSE**

Defendant is not liable to Plaintiff because there was reasonable suspicion to detain or arrest Plaintiff.

**SIXTH DEFENSE**

Defendant is not liable to Plaintiff because there was probable cause to detain or arrest Plaintiff.

**SEVENTH DEFENSE**

There is no implied right of action under the Constitution for the claims that Plaintiff asserts against Defendant.

**EIGHTH DEFENSE**

To the extent Plaintiff seeks equitable relief from Defendant personally, such relief is not available from a federal employee in his individual capacity.

**NINTH DEFENSE**

Defendant is immune from Plaintiff's damages claims under the doctrine of qualified immunity. Defendant is entitled to qualified immunity on Plaintiff's damages claim for unreasonable seizure under the Fourth Amendment because Defendant's conduct did not violate the Constitution and it was not clearly established at the time that Defendant's conduct would violate Plaintiff's constitutional rights. Defendant is entitled to qualified immunity on Plaintiff's damages claims for an equal protection violation under the Fifth Amendment because Defendant's conduct did not violate the Constitution and it was not clearly established at the time that Defendant's conduct would violate Plaintiff's constitutional rights. Additionally, the alleged acts or omissions of Defendant do not rise to the level of a constitutional violation.

#### **TENTH DEFENSE**

Defendant is entitled to immunity under 6 U.S.C. § 1104 because he took reasonable action in good faith to respond to a report of suspicious behavior on a Frontier Airlines flight.

#### **ELEVENTH DEFENSE**

To the extent the complaint seeks damages from Defendant in his official capacity, the doctrine of sovereign immunity bars Plaintiff's claims for damages.

**WHEREFORE**, Defendant respectfully requests that this Court dismiss Plaintiff's claims against him and grant such other and further relief to which he may be entitled.

Dated: April 14, 2014

Respectfully submitted,

STUART F. DELERY  
Assistant Attorney General  
Civil Division

RUPA BHATTACHARYYA  
Director, Torts Branch

C. SALVATORE D'ALESSIO  
Assistant Director, Torts Branch

JEAN MARIE CUNNINGHAM  
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/s/Sarah E. Whitman  
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*Counsel for Defendant David Lakatos*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on April 14, 2014, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

**Julie H. Hurwitz:** [jhurwitz@goodmanhurwitz.com](mailto:jhurwitz@goodmanhurwitz.com)  
**Kathryn Bruner James:** [kjames@goodmanhurwitz.com](mailto:kjames@goodmanhurwitz.com)  
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**Sarah Tremont:** [stremont@cov.com](mailto:stremont@cov.com)  
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**Steven Boldt:** [sboldt@amm-law.com](mailto:sboldt@amm-law.com)

I further hereby certify that I have mailed by United States Postal Service the foregoing paper to the following non-ECF participants:

**None**

/s/ Sarah E. Whitman  
Sarah E. Whitman  
Trial Attorney  
Torts Branch, Civil Division  
United States Department of Justice  
P.O. Box 7146, Ben Franklin Station  
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